

Built Environment Forum Scotland (BEFS) is an umbrella body for organisations working in the built environment in Scotland. Drawing on extensive expertise in a membership-led forum, BEFS informs, debates and advocates on the strategic issues, opportunities and challenges facing Scotland's historic and contemporary built environment. BEFS is a supporting member of the [Climate Heritage Network](#).

Other relevant consultation responses from BEFS can be seen below, as many issues overlap and demand associative consideration:

[DRAFT NATIONAL PLANNING FRAMEWORK 4 \(NPF4\) CONSULTATION \(31/03/22\)](#)

[THE ROLE OF LOCAL GOVERNMENT AND ITS CROSS SECTORAL PARTNERS IN FINANCING AND DELIVERING A NET-ZERO SCOTLAND \(21/01/22\)](#)

[SCOTLAND'S THIRD LAND USE STRATEGY – CONSULTATION \(17/01/2021\)](#)

[GREEN RECOVERY – CALL FOR VIEWS \(07/08/2020\)](#)

BEFS will be responding only to relevant questions of the consultation, as below:

**4. We propose that there should be a duty on large-scale landowners to comply with the Land Rights and Responsibility Statement and its associated protocols. Do you agree or disagree with this proposal?**

Agree

BEFS notes the importance of compliance, regulation - and also enforcement - of the LRRS towards achieving Scotland's climate change targets and a just transition to net zero.

**6. Do you think the proposal to make the Land Rights and Responsibility Statement and its associated protocols a legal duty for large-scale landowners would benefit the local community?**

Yes

**7. Do you have any other comments on the proposal to make the Land Rights and Responsibility Statement and its associated protocols a legal duty for large-scale landowners?**

As we have raised in previous consultations - most notably and recently in BEFS response to the draft NPF4 - the existing and historic built environment, whilst often recognised in part, lacks full integration within other national policies; existing buildings and infrastructure are positive solutions across a variety of areas, they should not sit separately when considering land management.

BEFS supports comments submitted by Historic Environment Scotland (HES) as part of this consultation, that: *'It is important to ensure that responsibilities to the wider historic environment, as an integral part of the environment, are considered through the LRRS and its protocols, in order to ensure that the gradual attrition of the historic environment by poor or uninformed land management practices is slowed or stopped.'*

**8. We propose that there should be a duty on large-scale landowners to publish Management Plans. Do you agree or disagree with this proposal?**

Agree

BEFS notes and supports the intentions within the document to *‘encourage and support others with significant responsibilities over land, such as local authorities and large private landowners, to consider how their decision-making powers could contribute to realising the vision in the Statement.’*

Transparency through sharing Management Plans can only be a good thing, towards greater alignment with Local Development Plans and other local planning, land and asset management decisions. BEFS in particular supports the intention that the proposed Management Plans *‘set out how these connect with local priorities, opportunities, and public policy.’*

### **9. How frequently do you think Management Plans should be published?**

Taking in to account the resources required and any adjustments during the life-cycle of a management plan 5-10 years would seem appropriate.

### **10. Should Management Plans include information on:**

- **Land Rights and Responsibility Statement compliance**  
Yes
- **Community engagement**  
Yes
- **Emission reduction plans**  
Yes
- **Nature restoration**  
Yes
- **Revenue from carbon offsetting/carbon credits**  
Yes
- **Plans for developments/activities that will contribute to local and inclusive economic development or community wealth building**  
Yes

BEFS would note comments by HES here that: *‘The Historic Environment Policy for Scotland (HEPS) sets out the 6 policies for good decision making for the historic environment in Scotland. Of particular note here is HEP3 which states that “Plans, programmes, policies and strategies, and the allocation of resources, should be approached in a way that protects and promotes the historic environment.” Given the scale and nature of the proposed Management Plans it will be important that where the use of land or other considerations interacts with the historic environment consideration is given to this resource. Such large scale landholdings will likely encompass a substantial resource of historic environment assets, ranging such as archaeological remains, scheduled monuments, listed buildings, battlefields and gardens and designed landscapes.’*

### **13. Do you have any other comments on the proposal to make Management Plans a legal duty for large-scale landowners?**

BEFS considers a lack of recognition of the role of the historic environment and any connection to existing historic environment polices and guidance to be an issue and a missed opportunity; clarity is sought on the role of the Management Plans within the wider policy landscape.

BEFS would further highlight HES view that *‘the proposed management plans will be required to address biodiversity. However, no such requirement has been specified for the historic environment.... We believe that it is important that the proposed Management Plans address the management of the historic environment.’*

*The vast majority of designated and undesignated historic environment assets are in rural land management, and there is a significant rate of loss from uninformed and poor land management.'*

**14. We propose that a public interest test should be applied to transactions of large-scale landholdings. Do you agree or disagree with this proposal?**

Agree

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**19. Do you agree or disagree with these conditions?**

*We have proposed that if a public interest test applied to the seller concluded there was a strong public interest in reducing scale/concentration, then the conditions placed on the sale of the land could include:*

- i. The land in question should be split into lots and could not be sold to (or acquired by) one party as a whole unit*
- ii. The land, in whole, or in part, should be offered to constituted community bodies in the area, and the sale can only proceed if the bodies consulted, after a period of time, indicate that they do not wish to proceed with the sale*

- **Condition i.**  
Agree
- **Condition ii.**  
Agree

**21. Do you think that a public interest test should take into account steps taken in the past by a seller to:**

- **Diversify ownership**  
Yes
- **Use their Management Plan to engage with community bodies over opportunities to lease or acquire land**  
Yes

**23. Do you think the proposal that a public interest test should be applied to transactions of large-scale landholdings would benefit the local community?**

Yes

**25. We propose that landowners selling large-scale landholdings should give notice to community bodies (and others listed on a register compiled for the purpose) that they intend to sell.**

- a) Do you agree or disagree with the proposal above?**  
Agree

- b) Do you agree or disagree that there should be a notice period of 30 days for the community body or bodies to inform the landowner whether they are interested in purchasing the land?**  
Agree

- c) *If the community body or bodies notifies the landowner that they wish to purchase the land during the notice period, then the community body or bodies should have 6 months to negotiate the terms of the purchase and secure funding. Do you agree or disagree with this proposal?*

Don't know

**40. Would you like to be kept informed via email about the Small Landholding Consultation for the Land Reform Bill? We would use the email you provide in the 'About you' section to contact you.**

Yes

**43. How do you think the Scottish Government could use investment from natural capital to maximise:**

**a) Community benefit**

Investment in good places, shaped by communities and local interest - Natural Capital could add to the expression of economic benefits of well maintained, enhanced, and biodiverse land and landscapes.

BEFS supports HES view that: *'Profit sharing arrangements or community funds, social benefits (through skills development, etc), creating locally based jobs in the structuring of activities through helping local third sector organisations take advantage of building services, which help deliver natural capital investments.'*

**b) National benefit**

As HES has noted *'Land Reform could help to ensure that sources (including potential sources) of important local traditional construction materials are utilised and are not sterilised through development, and can benefit local communities... Supporting the quarrying of building stone and slate for example could bring significant benefits to rural communities in Scotland, whilst supporting low-carbon and sustainability outcomes nationally.'*

BEFS would add that [Material Passport](#) schemes are being considered in various countries and the arguments for sustainability and circularity, towards Scotland's net zero and carbon targets; we would suggest this is a path worthy of exploration – from suppliers through to procurement processes.

**48. Are you aware of any examples of potential impacts, either positive or negative, that you consider any of the proposals in this consultation may have on the environment?**

BEFS considers it essential that the symbiotic nature of the existing historic (including the built environment) and the natural environment is recognised and fully integrated within land management.

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BEFS responses to a number of Consultations in relation to the Built Environment can be found at: <https://www.befs.org.uk/resources/consultations/>

**RESPONDENT INFORMATION**

Name: Hazel Johnson, Policy and Strategy Manager

Email: [hjohnson@befs.org.uk](mailto:hjohnson@befs.org.uk)

Responding on behalf of an Organisation - **BEFS** (Built Environment Forum Scotland)

Address and Postcode: 61 Dublin Street, Edinburgh, EH3 6NL

The Scottish Government would like your permission to publish your consultation response. Please indicate your publishing preference: **Publish response with name**

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We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise? **YES**

I confirm that I have read the privacy policy and consent to the data I provide being used as set out in the policy. **I CONSENT**